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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,621	01/20/2004	Paul A. Nysen	034300-000544	3549

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Robert E. Krebs  
Thelen Reid & Priest LLP  
P. O. Box 640640  
San Jose, CA 95164-0640

EXAMINER
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VY, HUNG T

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/761,621

Applicant(s)

PAUL A. NYSEN

Examiner

Hung T. Vy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 7/20/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 16-25 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 10, 14, 15, 26, 30 and 31 is/are objected to.
- 8) ☒ Claim(s) 1-39 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/20/2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 8/5/05
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a response to the Applicant's amendment submitted on 7/20/2005. In virtue of this amendment, Claims 32-39 are newly added and thus, Claims 1-39 are now pending in the instant application.

#### Remarks on Newly Added Claimed 32-39

1. As noted in the interview summary form a telephone interview was held on 08/03/2005 to resolve the status the newly added claims 32-39. Mr William Winter agreed that claims 32-39 were directed to a portable communication device which is independent or distinct from the invention originally filed and as such being withdrawing from consideration as non-elected invention, and elected claims 1-31 for prosecution on the merits without traverse (see details in the enclosed Interview Summary form).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims <sup>32-39 v.H.</sup>~~34-44~~ are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-9, 11-13, 16-25, and 27-29 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Chiang et al., U.S. Patent. No. 6,369,771.

With respect to claims 1 and 16, Chiang et al. discloses a multi-band antenna system, comprising: a dipole antenna 142 (See fig. 3); transmission means 152 having a first end coupled to the dipole antenna (see fig. 3); and a reactive circuit 57 coupled between a second end of the transmission means and a PC Card wireless modem (see column 3, line 59-68), wherein the reactive circuit element 57, and loop section 152 of the transmission means are configured to operate as a trap for received signals having frequencies within a first frequency band (see column 5, lines 36-39).

With respect to claims 2-3, and 17-19, Chiang et al. discloses that the dipole is configured to receive signals having frequencies with a second frequency band because Chiang et al. discloses the dipole can be used in PCS or CDMA (See column 6, line 18 and column 4, line 18 and in fig. 2A, array of antenna 22 have different frequencies antenna element 22<sub>1</sub>, 22<sub>n</sub>), different frequency for different applicants (See column 1, line 65 and column 6, line 18), 800 MHz and 1900 MHz (See column 2, line 1-6).

With respect to claims 4-5, and 21, Chiang et al. discloses a ground plane 20 of a printed circuit board of the PC card (see fig. 5 and column 6, line 15-28).

With respect to claims 6-8, and 22-23, Chiang et al. discloses a matching circuit coupled between first and second poles of the dipole antenna (See fig. 3).

With respect to claims 9 and 24-25, Chiang et al. disclose the reactive circuit is formed on a printed circuit board (see fig. 3).

With respect to claims 11-13, and 27-29, Chiang et al. discloses a diversity dipole (see fig. 2A) and formed on the printed circuit board (See fig. 2A).

With respect to claims 20, Chiang et al. discloses the portable communication device comprises a PC card wireless modem (See column 3, line 65).

4. Claims 1-9, 11-13, 16-25, and 27-29 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Judd, U.S. Patent. No. 6,160,514.

With respect to claims 1 and 16, Judd discloses a multi-band antenna system, comprising: a dipole antenna 32-38 (See fig. 5); transmission means having a first end coupled to the dipole antenna (see fig. 8-9); and a reactive circuit 72,95 coupled between a second end of the transmission means and a PC Card wireless modem 96 (see fig. 8-9), wherein the reactive circuit is configured to operate as a trap for received signals having frequencies within a first frequency band (see column 3, line 49-68).

With respect to claims 2-3, and 17-19, Judd discloses the dipole is configured to receive signals having frequencies with a second frequency band (See fig. 5), different frequency for different applicants (See column 1, line 1-60 or column 4, line 30-35).

With respect to claims 4-5, and 21, it is inherent that Judd discloses a ground plane of a printed circuit board of the PC card (see column 4, line 10-18) because Judd disclose all structure as circuit board and antenna.

With respect to claims 6-8, and 22-23, Judd discloses a matching circuit coupled between first and second poles of the dipole antenna (See column 3, line 12-17).

With respect to claims 9 and 24-25, the reactive circuit is formed on a printed circuit board (see column 4, line 10-18).

With respect to claims 11-13, and 27-29, Judd discloses a diversity dipole (see fig. 5) and formed on the printed circuit board (See fig. 5).

With respect to claims 20, Judd discloses the portable communication device comprises a PC card wireless modem (See column 4, line 24-30).

#### **Allowable Subject Matter**

5. Claims 10, 14-15, 26 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 10, 14-15, 26 and 30-31 are considered allowable since the prior made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed wherein the reactive circuit element is formed on a second printed circuit board.

#### **Response to Arguments**

6. Applicant's arguments with respect to claims 1-31 have been considered but not persuasive and/or are moot in view of the new ground(s) of rejection. Applicant's arguments are not persuasive because Judd disclose the reactive circuit element 72,95. The reactive circuit can be as the summation/splinting mechanism and frequency diplexer module. The claim recites only the reactive circuit without reciting anything about the structure of the reactive circuit in order to define the difference between the reference and claimed inventions. Further, The Applicant argues about an inductive or

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capacitive element in the reactive circuit but these elements do not exist in the claims.

Therefore, the claims do not support for what's the applicant's argument.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954.

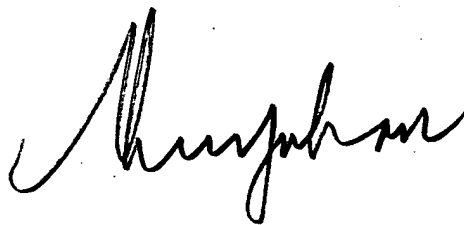
The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

8. Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published

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application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821  
August 7, 2005.

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', is written over a faint, larger signature that appears to be 'Hung T. Vy'.

**THUY V. TRAN  
PRIMARY EXAMINER**